

DURIE TANGRI LLP
DARALYN J. DURIE (SBN 169825)
ddurie@durietangri.com
LAURA E. MILLER (SBN 271713)
lmiller@durietangri.com
RAGHAV R. KRISHNAPRIYAN (SBN 273411)
rkrishnapriyan@durietangri.com
217 Leidesdorff Street
San Francisco, CA 94111
Telephone: 415-362-6666
Facsimile: 415-236-6300

YOUNG BASILE HANLON & MACFARLANE, P.C.
JEFFREY D. WILSON (*Pro Hac Vice*)
wilson@youngbasile.com
ANDREW R. BASILE, JR. (SBN 208396)
abasile@youngbasile.com
EDDIE D. WOODWORTH (*Pro Hac Vice*)
woodworth@youngbasile.com
RYAN T. MCCLEARY (*Pro Hac Vice*)
mccleary@youngbasile.com
3001 W. Big Beaver Road, Suite 624
Troy, MI 48084
Telephone: (248) 649-3333
Facsimile: (248) 649-3338

Attorneys for Plaintiff
PLEXXIKON INC.

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
OAKLAND DIVISION

PLEXXIKON INC.,

Plaintiff,

v.

NOVARTIS PHARMACEUTICALS
CORPORATION,

Defendant.

Case No. 4:17-cv-04405-HSG

**PLAINTIFF PLEXXIKON INC.'S
ADMINISTRATIVE MOTION TO FILE
UNDER SEAL PURSUANT TO CIVIL L.R. 7-
11 AND 79-5**

Ctrm: 2 – 4th Floor
Judge: Honorable Haywood S. Gilliam, Jr.

Pursuant to Civil L.R. 7-11 and 79-5, Plaintiff Plexxikon Inc. (“Plexxikon”) respectfully submits this Administrative Motion to File under Seal. The following documents contain information designated as “CONFIDENTIAL” or “HIGHLY CONFIDENTIAL – ATTORNEY’S EYES ONLY” by Defendant Novartis Pharmaceuticals Corporation (“NPC”) or third-party GlaxoSmithKline (“GSK”) pursuant to the Protective Order entered in this matter. Plexxikon takes no position as to the confidentiality of these documents and seeks sealing solely to remain in compliance with the Protective Order. To that end, if this material is subject to protection, Plexxikon expects that, within four days of the service and filing of this motion, NPC and GSK will file declarations supporting this motion as required by Civil Local Rule 79-5. Pursuant to Local Rule 79, NPC and GSK bear the burden of submitting declarations, based on personal knowledge, which demonstrate “compelling reasons” for why these materials should remain sealed.

Document	Portions to be Sealed	Reasons for Sealing
Exhibit 5 to the Declaration of Laura E. Miller in Support of Plaintiff Plexxikon Inc.’s Motion for Leave to Amend Complaint	To be sealed in its entirety	Designated as “HIGHLY CONFIDENTIAL – ATTORNEY’S EYES ONLY” by GSK
Exhibit 7 to the Declaration of Laura E. Miller in Support of Plaintiff Plexxikon Inc.’s Motion for Leave to Amend Complaint	To be sealed in its entirety	Designated as “HIGHLY CONFIDENTIAL – ATTORNEY’S EYES ONLY” by NPC
Exhibit 8 to the Declaration of Laura E. Miller in Support of Plaintiff Plexxikon Inc.’s Motion for Leave to Amend Complaint	To be sealed in its entirety	Designated as “HIGHLY CONFIDENTIAL – ATTORNEY’S EYES ONLY” by GSK
Exhibit 9 to the Declaration of Laura E. Miller in Support of Plaintiff Plexxikon Inc.’s Motion for Leave to Amend Complaint	To be sealed in its entirety	Designated as “HIGHLY CONFIDENTIAL – ATTORNEY’S EYES ONLY” by GSK
Exhibit 10 to the Declaration of Laura E. Miller in Support of Plaintiff Plexxikon Inc.’s Motion for Leave to Amend Complaint	To be sealed in its entirety	Designated as “HIGHLY CONFIDENTIAL – ATTORNEY’S EYES ONLY” by GSK
Exhibit 11 to the Declaration of Laura E. Miller in Support of Plaintiff Plexxikon Inc.’s Motion for Leave to Amend Complaint	To be sealed in its entirety	Designated as “HIGHLY CONFIDENTIAL – ATTORNEY’S EYES ONLY” by GSK
Exhibit 12 to the Declaration of Laura E. Miller in Support of Plaintiff Plexxikon Inc.’s Motion for Leave to Amend Complaint	To be sealed in its entirety	Designated as “HIGHLY CONFIDENTIAL – ATTORNEY’S EYES ONLY” by GSK

Document	Portions to be Sealed	Reasons for Sealing
Exhibit 13 to the Declaration of Laura E. Miller in Support of Plaintiff Plexxikon Inc.'s Motion for Leave to Amend Complaint	To be sealed in its entirety	Designated as "HIGHLY CONFIDENTIAL – OUTSIDE ATTORNEY'S EYES ONLY" by NPC

Although the Plexxikon does not take a position on whether it is critical to seal the designated documents and information from the public record, especially in light of the "compelling reasons" test set forth by the Ninth Circuit in *Kamakana v. City & Cnty. of Honolulu*, 447 F.3d 1172, 1178 (9th Cir. 2006), Plexxikon has filed the instant motion so as to comply with the Protective Order.

Dated: August 20, 2018

DURIE TANGRI LLP

By: /s/ Laura E. Miller
LAURA E. MILLER

Attorneys for Plaintiff
PLEXXIKON INC.

CERTIFICATE OF SERVICE

I hereby certify that on August 20, 2018 the within document was filed with the Clerk of the Court using CM/ECF which will send notification of such filing to the attorneys of record in this case.

/s/ Laura E. Miller

LAURA E. MILLER

PROOF OF SERVICE

I am a citizen of the United States and resident of the State of California. I am employed in San Francisco County, State of California, in the office of a member of the bar of this Court, at whose direction the service was made. I am over the age of eighteen years, and not a party to the within action. My business address is 217 Leidesdorff Street, San Francisco, CA 94111.

On August 20, 2018, I served the following documents in the manner described below:

PLAINTIFF PLEXXIKON INC.'S ADMINISTRATIVE MOTION TO FILE UNDER SEAL PURSUANT TO CIVIL L.R. 7-11 AND 79-5

☒ (BY OVERNIGHT MAIL) I am personally and readily familiar with the business practice of Durie Tangri LLP for collection and processing of correspondence for overnight delivery, and I caused such document(s) described herein to be deposited for delivery to a facility regularly maintained by Federal Express for overnight delivery.

☒ BY ELECTRONIC SERVICE: By electronically mailing a true and correct copy through Durie Tangri's electronic mail system from cortega@durietangri.com to the email addresses set forth below.

On the following part(ies) in this action:

William R. Zimmerman
Joseph M. Reisman
Knobbe, Martens, Olson & Bear, LLP
1717 Pennsylvania Ave., N.W., Suite 900
Washington, D.C. 20061
Email: Bill.Zimmerman@knobbe.com
Email: Joseph.Reisman@knobbe.com

Attorneys for
GlaxoSmithKline

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct. Executed on August 20, 2018, at San Francisco, California.



Christina Ortega